

THE HONORABLE ROBERT S. LASNIK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

PAIGE A. THOMPSON,

Defendant.

Case No. CR19-159-RSL

**DECLARATION OF TYLER G. NEWBY
IN SUPPORT OF AMAZON WEB
SERVICES, INC.'S PARTIAL MOTION
TO QUASH DEFENDANT'S TRIAL
SUBPOENA**

I, Tyler G. Newby, declare as follows:

1. I am an attorney admitted to practice in the State of California. I am a partner with the law firm of Fenwick & West LLP and represent Amazon Web Services, Inc. ("AWS") in this matter. I make this declaration in support of AWS's Partial Motion to Quash Defendant's Trial Subpoena. I have personal knowledge of the facts in this declaration and, if called upon to do so, could and would testify competently as to the matters set forth herein.

2. Attached hereto as **Exhibit A** is a true and correct copy of the May 26, 2022 Trial Subpoena issued to AWS.

3. On June 7, 2022, AWS produced customer billing records in response to the May 26 Subpoena. These records has also been produced to the government. In its production letter, AWS also objected to producing the requested contracts because they were not relevant or admissible.

4. On June 10, 2022, after the sealed conference with the Court, Defendant informed AWS's counsel of the nature of her request and that the Court was taking the matter under advisement. Later that day, Defendant sent an email with the names of twelve entities between

1 whom Defendant seeks AWS contracts.

2 5. Attached hereto as **Exhibit B** is a true and correct copy of the June 10, 2022 email
3 from Brian Klein listing entities between whom Defendant seeks AWS contracts.

4 6. Of the entities listed in the June 10, 2022 email from Brian Klein, all but two of
5 those entities made contracts through AWS's standard Customer Agreement, which is publicly
6 available online at <https://aws.amazon.com/agreement/>. A true and correct copy of the Customer
7 Agreement is attached as **Exhibit C**.

8 7. AWS's customer are also subject to its publicly available Acceptable Use Policy
9 ("AUP"), available online at <https://aws.amazon.com/aup/>. The AUP identifies limitations on
10 how customers may use AWS accounts and AWS's ability to investigate potential abuses. A true
11 and correct copy of the AUP is attached as **Exhibit D**.

12 8. AWS's customers are further subject to its publicly available Privacy Notice,
13 available online at <https://aws.amazon.com/privacy/>. The Privacy Notice identifies AWS's right
14 to collect and use information received as a result of interactions with AWS service offerings. A
15 true and correct copy of the Privacy Notice is attached as **Exhibit E**.

16 9. The contracts with the two customers with negotiated agreements are subject to
17 non-disclosure obligations that prohibits AWS from disclosing the agreements to third parties.

18
19 I declare under penalty of perjury under the laws of the United States of America that
20 the foregoing is true and correct.

21 Executed at Mill Valley, CA on this 12th day of January, 2022

22
23 By: 
24 Tyler G. Newby